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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 DERRICK JAMES FRANKLIN,

12 Petitioner,

13 v.

14 RICK HILL, Warden,

15 Respondent.  
16

No. 2:21-cv-00275 JAM GGH P

FINDINGS AND RECOMMENDATIONS

17 Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus  
18 pursuant to 28 U.S.C. §2254. The matter was referred to the United States Magistrate Judge  
19 pursuant to 28 U.S.C. §636(b)(1) and Local Rule 302(c).

20 On March 3, 2021, the court issued an order dismissing petitioner's habeas petition with  
21 leave to amend to state a civil rights claim. ECF No. 7. Petitioner was granted thirty days from the  
22 date of service of the court's March 3, 2021 order to file a complaint for civil rights claims  
23 pursuant to 42 U.S.C. § 1983. Id. Petitioner was warned that "[f]ailure to file an amended  
24 complaint in accordance with this order will result in a recommendation that the petition be  
25 dismissed without leave to amend." Id. at 6. Petitioner has not responded to the court's orders, nor  
26 taken any action to prosecute this case.

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Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R. Civ. P. 41(b); Local Rule 110.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be filed and served within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: April 29, 2021

/s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE